

MAY 22 2025

4TH DISTRICT  
STATE OF UTAH  
UTAH COUNTYMark Allen  
444 E 90 North  
Orem, Utah 84059

## IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

137 North Freedom Blvd. Provo Utah 84601

<p>MARK STEWART ALLEN,</p> <p>PETITIONER</p> <p>v.</p> <p>STATE OF UTAH</p> <p>RESPONDENT</p>	<p><b>MOTION FOR WRIT OF MANDAMUS TO CORRECT AND AUDIT CERTIFIED COURT RECORDS</b></p> <p>Case No. 160400655</p> <p>Judge: <u>Shawn Howell</u></p>
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Petitioner **Mark Stewart Allen**, appearing pro se, petitions this Court pursuant to **Utah R. Civ. P. 65B(d)** and applicable federal and state law for a **Writ of Mandamus** directing the Court to fulfill its mandatory administrative and legal obligations to maintain a complete and accurate Certified Court Record in Case No. 160400655, and to compel a forensic audit by the Court's IT Department.

**RELIEF REQUESTED**

1. **Order the Clerk of Court and Court Administration** to correct the Certified Clerk's Record in Case No. 160400655 to reflect the docket entry dated:

*"08-04-2016 Cancelled: STALKING INJUNCTION TRIAL scheduled on August 05, 2016 at 09:00 AM with Judge FRED D HOWARD. Reason: Case Settled."*

2. **Direct the Court's IT Department** to conduct a full audit of the docket system and:
  - a. Determine whether the above entry was deleted, omitted, or never transferred to the certified record;
  - b. Identify who removed or failed to transfer the entry, by employee name, time, and date;

- c. Provide a chain of custody log for all filings and entries made in Case No. 160400655;
  - d. List any docket entries that were backdated, altered, or manually corrected, along with the name of the employee responsible;
  - e. Produce a report to this Court explaining why internal views differ from the certified record and whether this discrepancy has occurred in other cases.
3. **Preserve and produce** all metadata, submission logs, internal staff communications, and change histories related to the case record for potential oversight, compliance, or federal inquiry.
  4. **Order the Clerk of Court** to prepare and issue **certified copies** of the **entire court file**, including all pleadings, orders, minute entries, internal notes, and **certified transcripts** of all hearings in Case No. 160400655. These records are required for a pending **federal filing**.
  5. **Grant Petitioner's request for a fee waiver**, as he is proceeding **in forma pauperis**, and the certified records are essential to preserving due process rights and filing a federal claim.
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## **GROUND FOR THE WRIT**

### **Acknowledgment of Record Discrepancies:**

On or about May 21, 2025, Clerk Tracy Bullock helpfully clarified that multiple internal court database views exist and acknowledged that certain entries, including the critical August 4, 2016 docket entry, appear in some internal screens but are missing from the certified record. Her transparency and responsiveness are appreciated. However, the existence of these discrepancies—regardless of intent—necessitates a formal correction process to ensure the integrity of the certified record. Additionally Exhibits attached show the disparity and was also noted by Clerk Mike Tronier in his response to GRAMA request which can be found in the docket of case 160400655.

**** PRIVATE **** Filed: Response to GRAMA Requests	10-23-2019
**** PRIVATE **** Filed: GRAMA Request #3	10-21-2019
**** PRIVATE **** Filed: GRAMA Request #2	10-21-2019
**** PRIVATE **** Filed: GRAMA Request #1	10-21-2019
**** PRIVATE **** Filed: Judgment Roll and Index and Clerk's Certificate	07-02-2019

### **Clerk's Statutory Duty to Maintain an Accurate Record:**

Per Utah Code § 78A-2-229, the Clerk of Court has a clear legal duty to ensure the court record is complete and accurate. The absence of a dispositive entry that shows the cancellation of trial and settlement of the matter undermines the legitimacy of the certified record.

### **Consequences of Failure to Correct the Record:**

While no intentional wrongdoing is alleged, continued omission or failure to certify accurate records may result in violations of state and federal law, especially where the record is relied upon in ongoing or future judicial or administrative proceedings, including federal filings.

Accordingly, the following authorities may be implicated if the record is not remedied:

- 42 U.S.C. § 1983 – Violation of rights under color of law
- 42 U.S.C. § 1985 – Conspiracy to obstruct justice
- 18 U.S.C. § 1512(c) – Tampering with or suppressing official records
- Utah Const. Art. I, § 7 & § 11 – Right to due process and access to open courts
- Judicial Canons 1, 2.2, and 2.6 – Obligations of judicial integrity, accuracy, and the right to be heard

### **MANDATORY NATURE OF RECORD CORRECTION**

Once a discrepancy, omission, or misstatement in the official court record is identified, the obligation to correct it is **immediate and mandatory** under both state law and judicial ethical standards. There is no discretionary authority to delay or deny the correction of material facts from the certified docket, especially when the error relates to jurisdictional events, settlements, or dismissals.

Failure to promptly correct known errors may constitute:

- A violation of Utah Code § 78A-2-229
- An ethical breach under Utah Code of Judicial Conduct Canon 2.2 and 2.6
- A potential obstruction of justice under 18 U.S.C. § 1512(c)
- A due process violation under 42 U.S.C. § 1983

Petitioner respectfully asserts that any further delay in correcting the record—after formal notice has been given—places the court system in legal jeopardy and exposes the institution to state and federal scrutiny. This Court is urged to take **immediate corrective action** to fulfill its ministerial responsibilities, ensure public confidence in the judicial process, and prevent further harm to Petitioner's constitutional rights.

## **EXHIBITS IN SUPPORT OF THE WRIT**

Petitioner submits several exhibits that clearly establish the certified Clerk's Certificate of Record is **incomplete and inaccurate**, and that a **material omission** exists regarding the dispositive procedural event on **August 4, 2016**.

### **EXHIBIT A – Email from Clerk Mike Tronier (GRAMA Reply) Oct 23, 2019**

A written communication from Attorney Mike Tronier confirms that the August 5, 2016 trial was cancelled and that the case was settled on August 4, 2016, consistent with what appears on internal docket screens. This entry does not appear in the certified Clerk's Certificate, despite being a final jurisdictional event that nullifies all subsequent legal action.

### **EXHIBIT B – Printout of Internal Court System Entry**

A record printout or screenshot from the court's internal system confirms the following docket line exists:

***“08-04-2016 Cancelled: STALKING INJUNCTION TRIAL scheduled on August 05, 2016 at 09:00 AM with Judge FRED D HOWARD. Reason: Case Settled.”***

This internal entry, though visible to staff, was omitted from the certified docket for reasons unknown.

### **EXHIBIT C – Certified Clerk's Certificate of Record (Current)**

**The certified record currently provided by the Clerk omits this critical August 4, 2016 entry.**

This exhibit clearly shows that the August 4, 2016 entry was either removed, never properly transferred to the certified record, or overwritten. **The omission creates a false procedural narrative.**

### **EXHIBIT D – Certified Clerk's Certificate of Record (Corrected Draft)**

The certified record draft when updated to include the omission August 4, 2016 entry. The correction is needed to reflect an accurate reflection of the true proceedings in case 160400655.

**EXHIBIT E – Email from Clerk Tracy Bullock acknowledging the discrepancy between the databases. May 21st 2025.**

## **LEGAL SIGNIFICANCE OF THE EXHIBITS**

These exhibits collectively demonstrate that:

1. The certified record **does not reflect material, dispositive events**, violating the administrative duty imposed by **Utah Code § 78A-2-229**;
2. The omission of this entry has allowed the record to appear open or unsettled, directly **prejudicing Petitioner** in subsequent legal matters;
3. The failure to include this entry creates **grounds for immediate correction**, and **failure to do so may trigger federal implications** under statutes previously cited.

Petitioner respectfully moves this Court to **accept these exhibits into the record** and to rely upon them in issuing a corrective order and mandamus relief.

## **REQUEST FOR WAIVER OF FEES AND CERTIFIED RECORD COSTS**

Petitioner respectfully requests that the Court grant a **waiver of all applicable fees** associated with the filing of this petition and the preparation of certified records and transcripts, including but not limited to:

- Certified copies of all docket entries, minute entries, filings, and internal court notes in **Case No. 160400655**
- Certified hearing transcripts necessary for Petitioner's federal filings

Petitioner has **previously been granted fee waivers** under similar circumstances for certified copies of **expunged cases 171402280 and 191400132**. The request now presented is factually and legally aligned with those prior grants. The present case also involves the need to correct official records, ensure accurate certification for federal oversight, and preserve constitutional rights.

This request is made **in good faith**, consistent with Petitioner's indigency, and pursuant to both **Rule 3-301.01 of the Utah Rules of Judicial Administration** and broader **constitutional rights of access to the courts**. Petitioner is willing to file an **Affidavit of Indigency** or any additional materials requested by the Court to support this waiver.

May 12th 2025,

Dear Clerk Team Howell,

I hope this message finds you well. I am writing as a pro se litigant in reference to Case No. 160400655.

While reviewing my records, I noticed that the August 4, 2016 docket entry indicating the case was "settled" does not appear in the Certified Clerk's Certificate of the Docket Case No. 160400655.

This entry does exist in the regular docket history and has also been referenced by court staff in the past. **(Exhibit A)**

In light of Utah R. Jud. Admin. 4-201(1), which calls for court records to be complete and reliable, I'm respectfully submitting a written request along with supporting materials showing this appears to be a clerical omission. I hope this qualifies as a simple clerical fix within the Clerk's authority to update and align the certified record with the correct docket history, to reflect accurately the case history.

For your reference, I have attached Supporting Exhibits A–D documenting the docket notation and the current certified copy supporting this request.

A. The Entry of **"Trial Cancelled-Case Settled"** notation as found in the Court Docket"  
**August 4th 2016**

B. Court Clerk Communication from GRAMA reflecting **"Trial Cancelled-Case Settled" Aug 4th 2016**

C. Judgement Roll and Index and Clerk's Certificate 07-02-2019/02-11-2020

D. Example of what a corrected Clerk's Certificate should reflect **"Aug 4th Trial Cancelled, Case Settled"**

I would also be grateful to receive a certified copy of the corrected Clerk's Certificate for recordkeeping, please let me know what is necessary to get this record corrected.

Thank you sincerely for your time and assistance in this matter.

Petitioner respectfully asks the Court to instruct the Clerk's Office to update the Certified Clerk's Certificate of the Docket to include the August 4, 2016 entry reflecting that the case was "settled."

This correction is requested to ensure the certified record is consistent with the court's docket.

Petitioner notes that the accuracy of certified court records is governed by court rule and administrative policy, including Utah R. Jud. Admin. 4-201(1), which requires clerks to ensure records are complete and reliable. Consistency between the docket and the certified record protects all parties and avoids future confusion or misapplication of case history.

Respectfully submitted,

s/Mark Stewart Allen

Kind regards,

Mark Stewart Allen  
markstewartallen@gmail.com  
801.462.6400

**Attachments:**

Exhibit A: Original Docket Notation for August 4th 2016,  
*"Trial Cancelled, Case Settled"*

Exhibit B: Court Clerk Communication GRAMA 3 Response:  
*"Trial Cancelled, Case Settled August 4th 2016" Mike Tronier Clerk to Judge Brady*

Exhibit C: Certified Clerk's Certificate of the Docket 2019/2020  
Omission August 4th 2016, needs correcting

Exhibit D: Certified Clerk's Certificate of the Docket- Draft Corrected Version to include:  
*"Trial Cancelled, Case Settled August 4th 2016"*

# Exhibit A

## Original Docket Notation for August 4th 2016, "Trial Cancelled, Case Settled"

CASE NUMBER 160400657 Civil Stalking

\*\*\*\* PRIVATE \*\*\*\*

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07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Verified Response to Petitioners  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Exhibit A, Part 1 (pages 1 to 3)  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Exhibit A, Part 2 (pages 4 to 7)  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Exhibit B Part 1 to Verified  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Notice of Filing Background Infor  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Notice of Filing Background Infor  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Return of Electronic Notification  
07-27-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Return of Electronic Notification  
08-03-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Response to Motion to Continue  
08-03-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Return of Electronic Notification  
**08-04-16 STALKING INJUNCTION TRIAL Cancelled.**  
**Reason: Case Settled.**  
08-04-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Reply to Response to Request for  
08-04-16 \*\*\*\* PRIVATE \*\*\*\* Filed: Return of Electronic Notification

# Exhibit B

Court Clerk Communication GRAMA 3 Response

“Trial Cancelled, Case Settled August 4th 2016”



## Fourth District Court

October 23, 2019

Mark Stewart Allen  
Email: MarkStewartAllen@gmail.com

RE: GRAMA requests

Dear Mr. Allen,

Here is the information you requested in your three GRAMA requests.

GRAMA Request #1: The "Protective Order" mentioned in Provo City Police Incident Report 17PR17168 appears to refer to the Temporary Civil Stalking Injunction in case 160400655, Alicia W. Koehler vs. Mark Stewart Allen. Please find a copy of that document attached to this letter.

GRAMA Request #2: The "Protective Order" mentioned in Provo City Police Incident Report 18PR32810 appears to refer to the same Temporary Civil Stalking Injunction in case 160400665.

GRAMA Request #3: There is no "Settlement Agreement" filed in case 160400655. The notation on the court's docket on August 4, 2016 that reads "STALKING INJUNCTION TRIAL Cancelled, Reason: Case Settled" indicates that the trial scheduled for the next day, August 5, 2016, was cancelled by the agreement of counsel. There is no document associated with the notation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Tronier".

Michael B. Tronier  
Judicial Assistant  
to Judge James Brady

# Exhibit C

## Omission Certified Clerk's Certificate of the Docket 2019/2020

August 4th 2016 entry missing  
"Trial Cancelled. Case Settled..."

Document Title	Entry Date	Page Number
Request for Civil Stalking Injunction	04/28/2016	1-186
Temporary Civil Stalking Injunction	05/02/2016	187-190
Temporary Civil Stalking Injunction	05/02/2016	191-193
[proposed] Civil Stalking Injunction [unsigned]	05/02/2016	194-197
[proposed] Request for Hearing [unsigned]	05/02/2016	198-199
Service Assistance Form	05/02/2016	200
Return: Temporary Stalking Injunction	05/20/2016	201
Appearance of Counsel/Notice of Limited Appearance (For Respondent Mark Stewart Allen)	05/26/2016	202-203
Request for Hearing and Request for Rule 16(a) Scheduling Conference	05/26/2016	204-206
Notice of Pretrial Conference	05/27/2016	207-208
PRETRIAL CONFERENCE	06/20/2016	209
Request for Copy of Video/Audio Record [completed and picked up]	06/27/2016	210
Appearance of Counsel/Notice of Limited Appearance	07/27/2016	211-212
Verified Response to Petitioners Request for Civil Stalking Injunction, and Motion to Continue 8/5/2016 Hearing to Conduct First-Party and Third-Party Discovery	07/27/2016	213-221
Exhibit A, Part 1 (pages 1 to 3)	07/27/2016	222-225
Exhibit A, Part 2 (pages 4 to 7)	07/27/2016	226-230
Exhibits B through D to Verified Response	07/27/2016	231-236
Notice of Filing Background Information on Petitioners Ex-Husband, Russell Reed Koehler (Notice and Part 1)	07/27/2016	237-250
Notice of Filing Background Information on Petitioners Ex-Husband, Russell Reed Koehler (Part 2)	07/27/2016	251-261
Notice of Filing Background Information on Petitioners Ex-Husband, Russell Reed Koehler (Part 3)	07/27/2016	262-273
Response to Motion to Continue	08/03/2016	274-277
Reply to Response to Request for Stalking Injunction	08/04/2016	278-287
****Missing entry August 4th 2016, in docket notation ~Trial Cancelled Case Settled~****		
Motion Order to Show Cause - ALICIA W KOEHLER	01/22/2019	288-299
Order to Show Cause (Proposed)	01/22/2019	300-302
Request for Copy of Audio Record - completed and emailed	01/24/2019	303
Order to Show Cause	01/24/2019	304-306
Return of Service OSC	02/12/2019	307-310
Appearance of Counsel/Notice of Limited Appearance	02/25/2019	311-312
Request for Audio Recording: Request for Audio Recording	03/01/2019	313
Request for Copy of Audio Record - completed and emailed	03/04/2019	314
Notice of Order to Show Cause	03/04/2019	315-316
Motion to for evidentiary hearing and ruling on Petition - MARK STEWART ALLEN	03/15/2019	317-331
: Subpoena to Appear Hutchins	03/20/2019	332-338
: Return of Service Subpoena to Appear Hutchins	03/20/2019	339
: Return of Service Subpoena Duces Tecum Hutchins	03/20/2019	340
Affidavit/Declaration Declaration of Transcription - Oct 26 2017 Hearing, Case No. 171402280: Provo City v. Mark Stewart Allen	03/26/2019	341-347
ORDER TO SHOW CAUSE	03/29/2019	348

**Exhibit D**  
**Corrected Clerks Certificate Draft**

Case: 160400655

4TH DISTRICT COURT - PROVO

KOENIGER, ALICIA W. vs. ALLEN, MARK STEWART

**CORRECTED VERSION  
SHOULD READ**

Response to Motion to Continue	08/03/2016	274-277
Reply to Response to Request for Stalking Injunction	08/04/2016	278-287
Stalking Injunction Trial Cancelled, Reason: Case Settled	08/04/2016	

I appreciate your attention to this matter to make accurate the case history and I would appreciate an update when this correction has been made so I can obtain a copy of it for my records.

Mark Allen

## **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a **Writ of Mandamus** compelling correction of the certified record in Case No. 160400655;
2. Order an **IT Audit** of the docketing system, including identification of employee actions;
3. Require a **full report** of any deletions, backdates, or irregularities;
4. Preserve all related data and metadata for further legal or legislative review;
5. Grant Petitioner's **fee waiver** request and order production of certified copies of all court records and hearing transcripts;
6. Grant such **further relief** as may be just and proper to ensure the rule of law is upheld.

**DATED** this 22th day of May 2025.

Respectfully submitted,

Mark Allen, Pro Se

## CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 2025, a true and correct copy of the foregoing Motion for Writ of Mandamus, including all supporting exhibits and the attached Proposed Order, was served upon the following parties via Electronic Filing / Hand Delivery

Clerk of Court

Fourth Judicial District Court  
137 N Freedom Blvd  
Provo, Utah 84601

Hon. Judge Shawn Howell

Presiding Judge  
Fourth Judicial District Court  
137 N Freedom Blvd  
Provo, Utah 84601

Notice: This motion concerns only a clerical and ministerial correction of the certified court record. It does not seek legal action against any party or accuser and does not require service on any third party. It is filed solely to ensure compliance with the law and judicial recordkeeping obligations.

Respectfully submitted,

s/Mark Stewart Allen

markstewartallen@gmail.com  
Petitioner, Pro Se